IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 28628 of 1995

Between:

Md. Munawar Ali, s/o Mohd. Yousuf Ali,

Aged 45 years, occ:Ex-Security Guard in

APSRTC, R/o Shaalibanda Bazar, Hyderabad.

..... PETITIONER

AND

1. The Govt. of A.P., rep. by Addl. Secretary to

   Government, Secretariat Buildings, Hyderabad.

2. The Vigilance & Security Officer, APSRTC, Hyderabad Zone,

   Jubilee bus Stand, Secunderabad-3.

3. The Chairman-cum-Presiding Officer,

   Addl. Industrial Tribunal-cum-Addl. Labour Court, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari or any other appropriate writ, order or direction in the nature of writ calling for the records pertaining to the award dated 14.06.1995 in I.D.No.49/95 passed by the 3rd respondent and notified in G.O.Rt.No.2045 dated

30.08.1995 issued by the 1st respondent and se aside the same in so far as it relates to denial of back wages and increments due after 28.07.1994 by holding that the petitioner is entitled for the same with all consequential benefits such as arrears of salary and allowances etc., and to pass any other order or orders as is deemed fit, proper, necessary and expedient in the circumstances of the case.

Counsel for the Petitioner: MR.VELISETI VENKATESWARA RAO

Counsel for the Respondents: GP FOR LABOUR

The Court Made the Following:

ORDER:

This writ petition is filed challenging the award dated 14.06.1995 passed by the Triunal in I.D.No.49 of 1995 on the file of Additional Industrial Tribunal cum Additional Labour Court, Hyderabad in respect of an incident that took place on 24.04.1993 at about 8.30 A.M.

The charges were framed against the petitioner after calling for the explanation from him. Having not satisfied with the explanation, a regular departmental enquiry was conducted. The Enquiry Officer found that the charges levelled . against the delinquent writ petitioner were proved. Accepting the Enquiry Officer's report, the disciplinary authority ordered for removal of the petitioner from service. Challenging the same, the writ petitioner raised a dispute before the Industrial Tribunal. The Tribunal, after considering the evidence on record, came to a conclusion that the punishment of removal of the petitioner from service is harsh and disproportionate to the gravity of misconduct and ordered reinstatement of petitioner into service without continuity of service without any back wages or other monetary benefits. The Tribunal ordered to stoppage of two increments without any cumulative effect. Aggrieved by the same, the present writ petition is filed.

The learned counsel appearing for the petitioner fairly submitted that the writ petitioner is entitled to the increment after the punishment period is over and therefore, the order of the Tribunal needs slight clarification.

The same is not opposed by the learned counsel appearing for the respondents. The findings of the Labour Court are based upon proper

appreciation of the evidence on record. On appreciation of the evidence adduced on behalf of the workman, the Tribunal gave a finding that the petitioner was guilty of insubordination and violated the instructions of Sun-inspector, but, however, held that the removal of the writ petitioner from service is disproportionate to the gravity of misconduct and therefore ordered for reinstatement. The appreciation of evidence was not shown to be perverse. The Tribunal after critically analyzing the evidence on record arrived at a correct finding. There are absolutely no grounds to interfere with the award passed by the Tribunal except a slight clarification with regard to the stoppage of two increments.

In the award passed by the Tribunal it is clear that the stoppage of two increments will not give any cumulative effect that means, the petitioner is not entitled to two increments only for a period of two years. Thereafter, he is entitled for the increments.

With the above clarification, the writ petition is disposed of.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1. The Addl. Secretary to Government,

Govt. of A.P., Secretariat Buildings, Hyderabad.

2. The Vigilance & Security Officer, APSRTC, Hyderabad Zone,

Jubilee bus Stand, Secunderabad-3.

4. The Chairman-cum-Presiding Officer,

Addl Industrial Tribunal-cum-Addl Labour Court, Hyderabad.

5. 2 C.Cs to G.P. FOR LABOUR, High Court of A.P., Bldgs, Hyd (OUT).

6. 2 C.D. copies.

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